



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,786	03/26/2004	James Williams	OI7011575001	9638

23639 7590 12/16/2005

BINGHAM, MCCUTCHEN LLP
THREE EMBARCADERO CENTER
18 FLOOR
SAN FRANCISCO, CA 94111-4067

EXAMINER

PORTKA, GARY J

ART UNIT	PAPER NUMBER
----------	--------------

2188

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,786

Applicant(s)

WILLIAMS ET AL.

Examiner

Gary J. Portka

Art Unit

2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-16, 28-32, 40-42 and 49-79 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 12-16, 28-32, 40-42 and 49-79 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date March 26, 2004.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-11, 17-27, 33-39 and 43-48 have been canceled, claims 12, 14-15, 28-32, and 40 have been amended, and claims 49-79 have been added by Applicant. Claims 12-16, 28-32, 40-42, and 49-79 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on March 26, 2004 was considered by the examiner.

Claim Objections

3. Claims 12, 28, and 40 are objected to because of the following informalities: Each of these claims recites granting or denying access if the second set of information matches the third set of information. However, the claims also recite that the second set of information identifies the process, and the third set identifies access rights of the process. It is not apparent that two sets of information identifying different items may be considered to match. Hereinbelow the term "match" will not be interpreted as "equal"; rather, only as "correspond to" or "associated with". Also, claim 12 at line 7 recites "the third set of information" which lacks proper antecedent basis; it is suggested that at line 6 (2 places) "third information" should be changed to "third set of information". Additionally, claims 13, 29, and 74-76 are questioned, as they appear to state either explicitly or the equivalent of a key located in the third set of information for a first process, as well as a key in the first set of information for a second process. Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 12, 28, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Covey et al., U.S. Patent 5,249,231.

6. As to claims 12, 16, 28, 32, and 40-42, Covey discloses *a method of, computer program product for, and system for regulating access by a first process to a first data location on a storage device (memory data word object), comprising receiving from the first process a request to access the location, comprising first set of information identifying the location and second set of information identifying the process (process ID), the second compared with third set of information associated with the device and that identifies access rights of the first process (tag identifier, which indicates a particular process may access a data object), and granting or denying access if the two match or do not match, respectively* (see Abstract, Figs. 1 and 2, col. 1 lines 25-30, col. 2 lines 39-66, and col. 4 lines 35-56). As to claims 40-42 in particular, the *key fetcher and comparer* may be considered made up of the tag checker of Figs. 1-3.

7. As to claims 13, 29, 56-59, 67-70, and 74-76, memory data locations may be reused for different purposes by different processes, thus meeting the recited limitations (see col. 5 lines 34-45).

8. As to claims 14 and 30, the third information is persistent since it's purpose is to protect data of a first process when another process may attempt to access it (Abstract; and considering the term persistent to mean "is maintained across invocations of processes").

9. As to claims 15 and 31, two storage devices as recited are disclosed since a "faster RAM for the tag fields" (see col. 7 lines 47-49) would require a separate device.

10. As to claims 49, 60, and 71, a process in general may be considered comprised of multiple processes to the extent claimed (steps of the process).

11. As to claims 50-52, 61-63, and 72-73, it is apparent that the method may be combined with other security measures (see col. 11 lines 4-19), and thus that further information to determine access rights be used as recited.

12. As to claims 53-54, 64-65, and 77-78, since the memory location is locked, the steps apply to both data input as well as output requests.

13. As to claims 55, 66, and 79, these requests are inherently access-blocking requests (since once entered will block access of another process).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent No:

4,962,533 Security level of each memory location is compared to that of an accessing process.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary J. Portka whose telephone number is (571) 272-4211. The examiner can normally be reached on M-F 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (571) 272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary J Portka
Primary Examiner
Art Unit 2188

December 6, 2005



GARY PORTKA
PRIMARY EXAMINER